

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Fenton et al. :
 Serial No.: 09/329,659 : Attorney Docket No.: 99-40113-US
 Filed: June 10, 1999 : Examiner: Morgan, Robert W.
 Title: SYSTEM AND METHOD FOR : Art Unit: 3626
 PROCESSING AN INSURANCE :
 APPLICATION DURING A :
 SINGLE USER SESSION :

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APPEAL BRIEF

MS Appeal Brief - Patents
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Dear Sir:

The above-identified patent application comes before the United States Patent and Trademark Office Board of Appeals and Interferences from the Final Rejection of Claims 1 - 40 by the Examiner in an Official Action mailed November 5, 2003. Pursuant to the Notice of Appeal filed May 5, 2004, set forth below is the Appellant's Brief. Two additional copies of this Brief together with the requisite fee set forth in 37 C.F.R. 1.17(f) are enclosed.

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I. Real Party in Interest:

The real party in interest in the above-captioned application is ACE Limited, organized and existing under the laws of Bermuda, and having a place of business at Two Liberty Place – 35 N, P.O. Box 41484, Philadelphia, Pennsylvania. The application has been assigned to ACE Limited by the CIGNA Insurance Company. The application was assigned to CIGNA Insurance Company by the inventors, David A. Fenton, John A. Traynor, Eunice D. Silver, Karen J. Carfagno and Carol A. Weaver.

II. Related Appeals and Interferences:

There are no appeals or interferences known to Appellant or Appellant's legal representative which will directly affect or be directly affected by or have a bearing on the Board's decision in this present appeal.

III. Status of Claims:

Claims 1 - 40 were finally rejected under 35 U.S.C. §112 in the Office Action mailed November 5, 2003. Claims 1 - 40 were finally rejected under 35 U.S.C. §103(a) in the same Office Action mailed November 5, 2003. Claims 1 - 40 are the subject of the present appeal.

IV. Status of Amendments:

Amendments were filed subsequent to the Final Rejection but were not entered by the Examiner.

V. Summary of the Invention:

As recited in claim 1, the present invention is directed to a method of processing an insurance application, comprising the steps of receiving an application for a policy of insurance from a user over a computer network, automatically approving or denying the application based on a comparison of data contained in the application with current underwriting

criteria applied commensurate in time with at least one other criteria, automatically offering a policy of insurance to the user in response to the application over the computer network if the application is approved based on the current underwriting criteria applied commensurate in time with at least one other criteria and presenting the policy to the user for electronic acceptance, and issuing and activating the policy upon electronic acceptance thereof by the user and payment via an electronic payment, wherein all of the steps of said method occur during a single user session on the computer network, and wherein the policy of insurance provides insurance coverage for the user without a post user-session delay period. (See, especially, Figs. 3-5 and page 10, lines 16-24 of the specification).

Further, as recited in claim 13, the present invention is directed to a method of processing an application for an amendment to an existing policy of insurance, comprising the steps of receiving an application for an amendment to a policy of insurance from a user over a computer network, automatically approving or denying the application based on a comparison of data contained in the application with current underwriting criteria and with at least one other criteria applied simultaneously with the current underwriting criteria, automatically offering an amended policy of insurance to the user in response to the application over the computer network if the application is approved based on the current underwriting criteria and simultaneous at least one other criteria and presenting the policy to the user for electronic acceptance, and issuing and activating the policy upon electronic acceptance thereof by the user and payment via an electronic payment, wherein all of the steps of said method occur during a single user session on the computer network, and wherein the policy of insurance provides insurance coverage for the user without a post user-session delay period. (See, especially, Figs. 3-5 and page 10, lines 16-24 of the specification).

As recited in claim 14, the present invention is directed to a computerized system for processing an insurance application during a single user session, comprising means for receiving an application for a policy of insurance from a user over a computer network during a user session (see, for example, page 14, lines 11-15), means for automatically approving or denying the application during the user session based on a comparison of data contained in the application with current underwriting criteria applied commensurate in time with an other criteria (see, for example, page 20, lines 15-22), means for automatically offering a policy of insurance

during the user session in response to the application over the computer network if the application is approved based on the current underwriting criteria applied commensurate in time with an other criteria and presenting the policy during the user session to the user for electronic acceptance (see, for example, page 21, lines 3-18), and means for issuing and immediately activating the policy during the user session upon electronic acceptance thereof by the user and payment via an electronic payment (see, for example, page 21, line 19 to page 22, line 9), wherein the issued and activated policy of insurance provides insurance coverage for the user without a post user-session delay period. (See, especially, Figs. 3-5 and page 10, lines 16-24 of the specification).

As recited in claim 23, the present invention is directed to a computerized system for processing an insurance application during a single user session, comprising a server, and a database, wherein said server transmits an application for a policy of insurance to a user over a computer network during a user session in response to a request therefore from the user and wherein the server automatically approves or denies the application during the user session based on a comparison of data contained in the application with current underwriting criteria applied commensurate in time with at least one other criteria and wherein said server automatically offers a policy of insurance to the user over a computer network during a user session in response to the application over the computer network if the application is approved based on the current underwriting criteria applied commensurate in time with at least one other criteria and presents the policy during the user session to the user for electronic acceptance, and wherein said server issues and activates the policy during the user session upon electronic acceptance thereof by the user and payment via an electronic payment, wherein the issued and activated policy of insurance provides insurance coverage for the user without a post user-session delay period. (See, especially, Figs. 3-5 and page 10, lines 16-24 of the specification).

As recited in claim 32, the present invention is directed to a computer-readable medium tangibly embodying instructions which, when executed by a computer, implement the process of receiving an application for a policy of insurance from a user over a computer network, automatically approving or denying the application based on a comparison of data contained in the application with current underwriting criteria applied commensurate in time with other criteria underwriting criteria, automatically offering a policy of insurance to the user

in response to the application over the computer network if the application is approved based on the current underwriting criteria applied commensurate in time with other criteria and presenting the policy to the user for electronic acceptance, and issuing and activating the policy upon electronic acceptance thereof by the user and payment via an electronic payment, wherein all of the steps of said method occur during a single user session on the computer network, and wherein the policy of insurance provides insurance coverage for the user without a post user-session delay period. (See, especially, Figs. 3-5 and page 10, lines 16-24 of the specification).

VI. Issues:

ISSUE 1

Whether claims 1 - 40 are rejected under 35 USC §112, first paragraph, as failing to comply with the written description requirement.

ISSUE 2

Whether claims 1-40 are obvious over U.S. patent No. 4,831,526 to Luchs and "Instant Auto Insurance Quotes Now available at Quotesmith.com" to Bland, in view of U.S. Patent No. 5,845,256 to Pescitelli, and further in view of U.S. Patent No. 6,405,181 to Lent.

VII. Grouping Of Claims

Appellant considers claims 1 -40 to stand or fall together, the claims should thus be grouped together.

VIII. Argument:

ISSUE 1

Whether claims 1 - 40 are rejected under 35 USC §112, first paragraph, as failing to comply with the written description requirement.

Claims 1 - 40 stand rejected under 35 USC §112, first paragraph, as failing to comply with the written description requirement. Applicant respectfully maintains that the phrase "real time" is supported by the specification as filed and thus is not new matter. Applicant submits that this objection is overcome for at least these and the following reasons:

Claims 1, 13, 14, 23 and 32 as amended recite that the current underwriting criteria is applied commensurate in time with at least one other criteria. Support for this limitation can be found on pages 16-17 and 20 of the specification where it recites, by way of non-limiting example only:

Clicking on region 658 completes step 204 of the application process and completes the transmission of the application to the issuer. At this point, the system compares the data contained in the application with certain underwriting criteria contained in database 104 or in code in step 206 (see fig. 2). Although in the PC Web Embodiment certain data are compared with certain criteria at earlier stages of the application process (such as the maximum insurable value per system and per insured at Web page 330 and the state of coverage at Web page 306 as discussed above), in other embodiments, similar comparisons might be performed at this point. Also, the identity of the insured might optionally be checked against a list of frequent claimants to avoid fraudulent claims and a list of delinquent debtors to avoid credit losses, depending on the method of payment. Other comparisons with stored underwriting criteria could be performed as well, depending on the underwriting criteria ordinarily utilized by the insurer in question. Moreover, although in the PC Web Embodiment the maximum insurable value per system is stored in code, in an embodiment involving more complex or varied underwriting criteria, such criteria might be stored in a database.

In any event, all of the criteria employed in connection with the evaluation of an application for any policy of insurance must be purely objective in nature so that the system may evaluate the application automatically without the need for human intervention. Examples of acceptable data that may be elicited by the system are selections from lists stored in database 104 (such as a stored list of occupations), yes or no answers to specific questions, numbers, and dates. Other data may also be gathered from the applicant for claim processing or marketing purposes, but any narrative answers or non-objective data cannot be used in the application evaluation process.

Applicant respectfully submits that, when one action occurs, and another action occurs "at this point (in time)", it is readily apparent that the two actions occur "commensurate in time."

As such, Applicant thus respectfully submits that the above 35 U.S.C. §112 objection has been overcome and should be reversed by the Board.

ISSUE 2

Whether claims 1-40 are obvious over U.S. patent No. 4,831,526 to Luchs and "Instant Auto Insurance Quotes Now available at Quotesmith.com" to Bland, in view of U.S. Patent No. 5,845,256 to Pescitelli, and further in view of Lent.

The present invention, as set forth in claim 1, for example, is directed to a method of processing an insurance application, comprising the steps of receiving an application for a policy of insurance from a user over a computer network, automatically approving or denying the application based on a comparison of data contained in the application with current underwriting criteria applied commensurate in time with at least one other criteria, automatically offering a policy of insurance to the user in response to the application over the computer network if the application is approved based on the current underwriting criteria applied commensurate in time with at least one other criteria and presenting the policy to the user for electronic acceptance, and issuing and activating the policy upon electronic acceptance thereof by the user and payment via an electronic payment, wherein all of the steps of said method occur during a single user session on the computer network, and wherein the policy of insurance provides insurance coverage for the user without a post user-session delay period.

Applicant respectfully submits that Luchs, Bland, Pescitelli and Lent fail to teach the approval or denial of an application based on, at least in part, current underwriting criteria available simultaneously and contemporaneously with applicant data and with other criteria. While Examiner admits that Luchs, Bland and Pescitelli fail to teach the offering of a policy of insurance to the user based upon contemporaneous current underwriting criteria, Applicant further submits that Lent merely teaches the use of static third-party underwriting criteria. Lent

teaches:

In one embodiment, a method of providing real time approval of credit over a network is disclosed. The method includes obtaining applicant data from an applicant. The applicant data is analyzed into a form suitable for directly obtaining a credit report from a credit bureau for the applicant. A credit report having credit report data is obtained from a credit bureau for the applicant. It is then determined whether to accept the applicant using the credit report data and it is communicated to the applicant that the applicant has been approved.

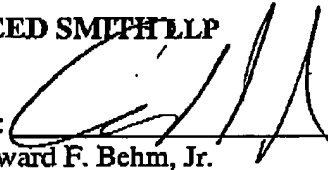
Thus, Lent fails to teach or suggest the use of current underwriting criteria within and simultaneously with the data of the application process. Rather, Lent merely uses data obtained in the application process to externally retrieve third-party underwriting information that is then compared against system thresholds. (see Lent, col. 4, lines 18-37). Therefore, Lent requires that internal data be compared against external data, hence necessitating an extra step not necessitated, and in fact taught away from, by the present invention. Rather, by incorporating current underwriting criteria with the other criteria and the data in the present invention, the present invention can manipulate all data at a substantially commensurate time, thereby approximating real time, and further, the present invention optimizes over the prior art by eliminating extra steps necessary in the prior art. In other words, Applicant submits Lent and Luchs and Bland and Pescitelli, neither individually nor in combination, teach or suggest the use of commensurate current underwriting criteria for the approval or denial of an application.

Wherefore, Applicant submits at least Claims 1, 13, 14, 23 and 32 are patently distinguishable over the prior art of record. Applicant further submits each of Claims 2-12, 15-22, 24-31 and 33-40 is similarly distinguishable over the prior art of record, at least by virtue of each Claim's ultimate dependency from a patentably distinct base Claim 1, 13, 14, 23 or 32 and should be reversed by the Board.

In view of the foregoing discussion, it is respectfully submitted that the Examiner's rejection of claims 1 - 40 is improper and should be reversed by the Board.

Respectfully submitted,

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Dated: Sep 13 2005

IX. APPENDIX

1. A method of processing an insurance application, comprising the steps of:

receiving an application for a policy of insurance from a user over a computer network;

automatically approving or denying the application based on a comparison of data contained in the application with current underwriting criteria applied commensurate in time with at least one other criteria;

automatically offering a policy of insurance to the user in response to the application over the computer network if the application is approved based on the current underwriting criteria applied commensurate in time with at least one other criteria and presenting the policy to the user for electronic acceptance; and

issuing and activating the policy upon electronic acceptance thereof by the user and payment via an electronic payment,

wherein all of the steps of said method occur during a single user session on the computer network, and wherein the policy of insurance provides insurance coverage for the user without a post user-session delay period.

2. The method of claim 1, wherein the stored criteria are stored in a database.

3. The method of claim 1, wherein the stored criteria are stored in executable code.

4. The method of claim 1, wherein the user is the insured party of the policy and the insured party purchases the policy directly from the issuer thereof.

5. The method of claim 1, further comprising the step of:

receiving a credit card number from the application prior to issuance of the policy for use in payment of premiums due in connection therewith.

6. The method of claim 1, wherein the policy of insurance is a policy insuring a computer against loss or damage.

7. The method of claim 1, wherein the policy of insurance is a policy insuring property against loss or damage.

8. The method of claim 1, wherein the policy of insurance is an accidental death policy

9. The method of claim 1, wherein the policy of insurance is a disability policy.

10. The method of claim 1, wherein the policy of insurance is a major medical policy.

11. The method of claim 1, wherein the policy of insurance is a casualty policy.

12. The method of claim 1, wherein the policy of insurance insures against at least two of loss or damage to property, casualty, accidental death, disability, and medical expense.

13. A method of processing an application for an amendment to an existing policy of insurance, comprising the steps of:

receiving an application for an amendment to a policy of insurance from a user over a computer network;

automatically approving or denying the application based on a comparison of data contained in the application with current underwriting criteria and with at least one other criteria applied simultaneously with the current underwriting criteria;

automatically offering an amended policy of insurance to the user in response to the application over the computer network if the application is approved based on the current underwriting criteria and simultaneous at least one other criteria and presenting the policy to the user for electronic acceptance; and

issuing and activating the policy upon electronic acceptance thereof by the user and payment via an electronic payment,

wherein all of the steps of said method occur during a single user session on the computer network, and wherein the policy of insurance provides insurance coverage for the user without a post user-session delay period.

14. A computerized system for processing an insurance application during a single user session, comprising:

means for receiving an application for a policy of insurance from a user over a computer network during a user session;

means for automatically approving or denying the application during the user session based on a comparison of data contained in the application with current underwriting criteria applied commensurate in time with an other criteria;

means for automatically offering a policy of insurance during the user session in response to the application over the computer network if the application is approved based on the current underwriting criteria applied commensurate in time with an other criteria and presenting the policy during the user session to the user for electronic acceptance; and

means for issuing and immediately activating the policy during the user session upon electronic acceptance thereof by the user and payment via an electronic payment,

wherein the issued and activated policy of insurance provides insurance coverage for the user without a post user-session delay period.

15. The system of claim 14, wherein the user is the insured party of the policy and the insured party purchases the policy directly from the issuer thereof.

16. The system of claim 14, further comprising:

means for receiving a credit card number from the applicant prior to issuance of the policy for use in payment of premiums due in connection therewith.

17. The system of claim 14, wherein the policy of insurance is a policy insuring a computer against loss or damage.

18. The system of claim 14, wherein the policy of insurance is a policy insuring property against loss or damage.

19. The system of claim 14, wherein the policy of insurance is an accidental death policy.

20. The system of claim 14, wherein the policy of insurance is a disability policy.

21. The system of claim 14, wherein the policy of insurance is a major medical policy.

22. The system of claim 14, wherein the policy of insurance is a casualty policy.

23. A computerized system for processing an insurance application during a single user session, comprising;

a server; and

a database;

wherein said server transmits an application for a policy of insurance to a user over a computer network during a user session in response to a request therefore from the user;

wherein the server automatically approves or denies the application during the user session based on a comparison of data contained in the application with current underwriting criteria applied commensurate in time with at least one other criteria;

wherein said server automatically offers a policy of insurance to the user over a computer network during a user session in response to the application over the computer network if the application is approved based on the current underwriting criteria applied commensurate in time with at least one other criteria and presents the policy during the user session to the user for electronic acceptance; and

wherein said server issues and activates the policy during the user session upon electronic acceptance thereof by the user and payment via an electronic payment,

wherein the issued and activated policy of insurance provides insurance coverage for the user without a post user-session delay period.

24. The system of claim 23, wherein the user is the insured party of the policy and the insured party purchases the policy directly from the issuer thereof.

25. The system of claim 23, wherein:

said server receives a credit card number from the applicant prior to issuance of the policy for use in payment of premiums due in connection therewith.

26. The system of claim 23, wherein the policy of insurance is a policy insuring a computer against loss or damage.

27. The system of claim 23, wherein the policy of insurance is a policy insuring property against loss or damage.

28. The system of claim 23, wherein the policy of insurance is an accidental death policy.

29. The system of claim 23, wherein the policy of insurance is an disability policy.

30. The system of claim 23, wherein the policy of insurance is a major medical policy.

31. The system of claim 23, wherein the policy of insurance is a casualty policy.

32. A computer-readable medium tangibly embodying instructions which, when executed by a computer, implement the process of :

receiving an application for a policy of insurance from a user over a computer network;

automatically approving or denying the application based on a comparison of data contained in the application with current underwriting criteria applied commensurate in time with other criteria underwriting criteria;

automatically offering a policy of insurance to the user in response to the application over the computer network if the application is approved based on the current underwriting criteria applied commensurate in time with other criteria and presenting the policy to the user for electronic acceptance; and

issuing and activating the policy upon electronic acceptance thereof by the user and payment via an electronic payment,

wherein all of the steps of said method occur during a single user session on the computer network, and wherein the policy of insurance provides insurance coverage for the user without a post user-session delay period.

33. The computer-readable medium of claim 32, wherein the user is the insured party of the policy and the insured party purchases the policy directly from the issuer thereof.

34. The computer-readable medium of claim 23, wherein the process further comprises:

receiving a credit card number from the applicant prior to issuance of the policy for use in payment of premiums due in connection therewith.

35. The computer-readable medium of claim 32, wherein the policy of insurance is a policy insuring a computer against loss or damage.

36. The computer-readable medium of claim 32, wherein the policy of insurance is a policy insuring property against loss or damage.

37. The computer-readable medium of claim 32, wherein the policy of insurance is an accidental death policy.

38. The computer-readable medium of claim 32, wherein the policy of insurance is a disability policy.

39. The computer-readable medium of claim 32, wherein the policy of insurance is a major medical policy.

40. The computer-readable medium of claim 32, wherein the policy of insurance is a casualty policy.

X. EVIDENCE APPENDIX

No evidence is being submitted or relied upon in this Appeal.

XI. RELATED PROCEEDINGS APPENDIX

There are no related court or Board proceedings related to the present application.